

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
KENNETH E. KADZIAUSKAS ET AL.

Title: PHACO THERMAL CONTROL
APPARATUS AND METHOD

Serial No.: 10/690,203

Filed: October 20, 2003

Group Art Unit: 3763

Examiner: Manuel A. Mendez

Confirmation No. 3684

Response to Double Patenting Rejection Mailed August 25, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

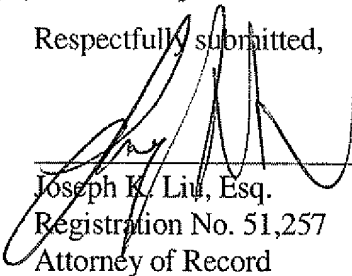
Dear Sir:

In the Official Action mailed August 25, 2006, the Examiner provided a Double Patenting rejection for claims 1-10. The Applicants respectfully request reconsideration because a Preliminary Amendment was filed on November 4, 2005, canceling claims 1-11 and adding claims 12-36. The Applicants thus respectfully request the withdrawal of the pending Double Patenting rejection and further request the examination of claims 12-36 as listed in the Preliminary Amendment filed on November 4, 2005. If there are any questions or concerns, please do not hesitate to contact the Attorney of Record, Joey Liu at 714-247-8422.

Applicants believe that no fees are due in accordance with this Response beyond those included herewith. Should any additional fees be due, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account 502317.

Respectfully submitted,

Date: November 17, 2006



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